

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Nov 26, 2024

SEAN F. MCAVOY, CLERK

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Byron Thomas Ginn

Case Number: 0980 2:19CR00033-TOR-1

Address of Offender: [REDACTED] Airway Heights, Washington 99001

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: May 16, 2022

Original Offense: Theft of Government Property, 18 U.S.C. § 641

Original Sentence: Probation - 5 years

Type of Supervision: Probation

Asst. U.S. Attorney: Ann Wick

Date Supervision Commenced: May 16, 2022

Defense Attorney: Andrea George

Date Supervision Expires: May 15, 2027

## PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 09/10/2024 and 11/12/2024.

On May 20, 2022, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Ginn, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Special Condition #3:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** On or about November 13, 2024, Byron Ginn allegedly violated special condition number 3 by consuming alcohol.

On November 14, 2024, immediately after appearing in Court before Your Honor for a supervised release revocation hearing, the offender reported to the U.S. Probation Office (USPO) to have his location monitoring (LM) equipment removed.

While there, Mr. Ginn asked if he would need to submit to random urinalysis testing because he had to use the restroom, and he was then subject to random urinalysis testing. Unbeknownst to the offender, the USPO has recently begun using equipment that will test urinalysis samples for the presence ethyl glucuronide (ETG), a direct metabolite of alcohol. The urine sample provided by Mr. Ginn tested presumptive positive for ETG, but he denied

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consuming alcohol since being arrested for driving under the influence. According to the male officer collecting the urine sample, the offender initially suggested that the positive was a result of cold medicine he had taken the night before. He later suggested that he had consumed Kombucha, which contains alcohol, and this officer questioned that claim. Because the offender denied use, the sample was packaged and sent to the laboratory for additional testing.

The individual under supervision then claimed to be speaking with his son on the phone, although the undersigned could not hear anyone on the other end of the phone call. During that conversation, this officer heard Mr. Ginn say: "what did you put in my drink?" and "I'm not supposed to have alcohol!"

The offender ultimately admitted to the use of alcohol the night before his revocation hearing, on or about November 13, 2024. He signed an admission of use confirming that admission, but claims that his son put alcohol in his drink without his knowledge.

As of the writing of this report, the laboratory results have not yet been received.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/25/2024

s/Amber M.K. Andrade

Amber M.K. Andrade  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other: ***The Final Revocation of Probation***  
***Hearing scheduled for 2/19/2025***  
***remains set.***



Thomas O. Rice  
United States District Judge  
November 26, 2024

Date